

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on February 7, 1989, at
8:05 a.m.

ROLL CALL

Members Present: All members were present.

Members Excused: None.

Members Absent: None.

Staff Present: Julie Emge, Secretary
John MacMaster, Legislative Council

HEARING ON HOUSE BILL 425

Presentation and Opening Statement by Sponsor:

Rep. Vincent stated that he feels strongly about this bill because the consequences for innocent victims and for drunk driver's themselves are so dire. In the final analysis we are not just talking about a problem, we are talking about people dying. We ought to do everything and anything we can to diminish to mitigate the impact of drunk driver's on society in Montana. That includes helping them in regard to the damage they do to themselves.

Rep. Vincent listed statistics on drunk driving:

1. On any Friday or Saturday night one out of ten drivers on the road is legally drunk. In Montana it is actually more, and it varies from time to time.
2. For every 2,000 drunk drivers, only one is arrested. That means that most of the people that drive by you are drunk.
3. The leading single cause of death for ages 15-40 is drunk driving.
4. The percentage of traffic deaths blamed on drunk driving is in 1986 - 48%, 1987 - 55% and in 1988 - 58%. That is a 10% increase over three years.
5. Drunk driving in 1980 - 1987 in 15 - 40 age group there have been 30,000 accidents, 18,000 injuries and 1,000 deaths. To put 1,000 deaths in perspective, it is the population of Three Forks.

Rep. Vincent stated that harsh penalties are a very important component in a DUI situation, but they are not the entire answer. HB 425 addresses three steps:

1. Deterrence: make sure that any penalties you put on the books are effective to deter in the first place. Once the accident has occurred, it is too late.
2. Punishment: the sound of the jail door tightening behind someone so they know that this society does not approve of people driving drunk.
3. Help: getting people into the system and begin to help with what many have as a serious problem.

Rep. Vincent stated that HB 425 does four things:

1. HB 425 keeps a license suspension in effect until treatment is completed. This is to emphasize the help aspect, not the punishment aspect.
2. The bill makes sure that a second offender always is punished by a greater fine and a greater jail sentence than a first offender. If you want to get someone into the system you need to let them know that if you do this again, you are in fact going to pay a more severe penalty than you did the first time.
3. HB 425 clarifies when a defender is considered to have a previous conviction. That makes the statute consistent.
4. HB 425 strikes language that allows a previous conviction to be stricken from their record.

Testifying Proponents and Who They Represent:

Wally Jewell, Montana Magistrates Association

Mike Ruppert, Executive Director of Boyd Andrew Chemical Dependency Care Center, Secretary/Treasurer of Chemical Dependency Programs of Montana

Mike DaSilva, City Commissioner, Chairman of Helena Stop DUI Task Force

Barbara Moy, Helena Stop DUI Task Force

Jim Manion, Alcoholics Anonymous Association Montana

Peter Funk, Assistant Attorney General, Department of Justice

Leonard Wortman, Co-Chair of Jefferson County DUI Task Force

Proponent Testimony:

Wally Jewell stated that MMA supports this legislation mainly because it attempts through the drivers license suspension and revocation to increase the length of time of that the limited Jurisdiction Courts would have jurisdiction (See EXHIBITS 1, 2 and 3).

Mike Ruppert stated that he recommends a Do Pass on HB 425. He addressed the treatment part of the Boyd Andrew Center or the help part of this DUI legislation. He said there are two kinds of people that get DUI's, people that do have

drinking problems, and people that don't (EXHIBIT 4).

Mike DaSilva stated that there are a lot of people out there who are driving drunk who need help, these people have an addiction or disease. Most of them can't stop drinking which means no matter how many times you pick them up, it is guaranteed they are going to drive drunk again. There is help for these people. HB 425 allows for the people who need the program, whether they go kicking and screaming or voluntarily it does get them help. Also, kids can drink and get away with it. They are drinking and they are drinking more, the younger they start drinking, the worse chance they have of developing a problem. We must give a clear, concise message to kids that it is not alright for them to drink in any way, shape or form. HB 425 is an excellent bill that clears up the language and makes things possible to happen that can help people stop driving drunk.

Barbara Moy stated that there is a high percentage of individuals that are arrested for DUI that are diagnosed as problem drinkers or alcoholics (EXHIBIT 5).

Jim Manion stated that it is no secret that DUI legislation has a great deal of impact on highway safety issues. DUI is the leading cause of death to people ages 15 - 40. It would be nice for us not to have to worry about a lot of these highway safety laws. For those of us who have been involved in highway safety education, it would be increasingly clear that the education only goes so far. In most highway safety matters, what proves effective in tough enforceable laws will deter people from getting behind the wheel after drinking.

Peter Funk said that the continued suspension or revocation of a drivers license until treatment or the ACT program is completed is necessary. It is a concern that there is not a reporting procedure built into this bill as far as who will notify the Department of Justice that the treatment has not been completed. Mr. Funk stated that on the page 4, line 22 is the sentencing provision which deals with evaluation and treatments. In this paragraph the counselor providing education or treatment must notify the Court both of the commencement of that and at the completion of that. If the provision dealing with suspension or revocation of licenses pass with the rest of the bill, that particular paragraph on page 5 should be amended to make clear whos responsibility it is, either the treatment program or educational program, or the Court system to report to the division of motor vehicles that the treatment has or has not been completed.

The provision which eliminates the expungement of the record for DUI offenders, to their knowledge, is the only offense within the Motor Vehicle Code that there is an explicit direction to expunge the record. Every other offense in the Motor Vehicle Code does in fact stay on your record forever.

It is not necessarily reported and action is not taken on it because they have a three year limitation under the habitual traffic offenders section of the code for counting these against a person. It is extremely important for sentencing courts to use that so they have an accurate view of a drivers record.

Leonard Wortman stated that he is a recovering alcoholic and has been arrested three times. He was never required to complete the ACT program or any other type of court school. Mr. Wortman stated that if he would have had to go to treatment the first time he was picked up, he would have saved himself 13 years of total misery by being forced to go into treatment at an early age. He recommend a Do Pass on the bill.

Marolane Stevenson supports HB 425 (See EXHIBIT 6).

Testifying Opponents and Who They Represent:

Walter Jackovich, Butte Bar/Restaurant Owner

Opponent Testimony:

Walter Jackovich stated that he is opposed to HB 425 on the grounds that most of his customers are not people that are causing the problems out on the highway. His customers have no rights when you are picked up for DUI. They are immediately tried, convicted and executed because they have a .01% alcohol content in your bloodstream. He opposes in the first offense increase in the penalty for DUI. The person should have a chance and it should be up to the discretion of the judge to observe and look into each circumstance of a DUI. Not everyone that drives becomes a killer automatically just because they have a few drinks.

Questions From Committee Members:

Rep. Brown asked Rep. Vincent what would happen to someone on a first offense who runs into someone and is injured or killed. Is there a statute on the books now that provides for a fairly heavy penalty? Rep. Vincent said that there is, HB 425 does not address that, it attempts to address the deterrent aspect to make sure that that accident never happens in the first place.

Rep. Brown asked what the statistics are on first offense in 1988 in Montana for first offenders as opposed to second or third violations? Rep. Vincent stated that this particular bill does not address first offense in regard to penalty.

Rep. Hannah asked Mr. Ruppert what the recovery rates were for voluntary or enforced acceptance into their program for juveniles? Mr. Ruppert stated that studies have shown that voluntary and enforced recovery are identical. He said most

treatment centers say their recovery is 80%. In an ideal world it is going to 65% - 70%.

Rep. Gould asked Mr. Funk if his suggestion pertaining to when a person has a DUI on their record for five years and it remain in their record, but it cannot be used in subsequent sentencing after a period of time? Mr. Funk said that he meant to suggest by his comments that it simply remain a part of the record, not there be any restriction as far as a future sentencing course ability to use or not use that.

Rep. Brooke asked Mr. Jackovich that in Butte is there a Homefree program, a taxi cab system, and a designated driver program that is encouraged? Mr. Jackovich said that Butte has Homefree and a taxi system, and they are in the process of developing the designated driver program. Through the industry there is also a TIP program that they try to promote within the industry.

Rep. Rice asked Rep. Vincent if the statistics say the first offender has driven drunk many times before he was actually picked up? Rep. Vincent stated that the statistics are clear on that, whether it is the first time or the 200th time. If he crosses that center line it doesn't make any difference whether it is the first time or the 2000th time, the results are the same.

Rep. Darko asked Mr. Jackovich as to how much use they see at the programs they have set up as far as safe drivers, etc., but what if people aren't willing to use them. Mr. Jackovich stated that they are being enforced all over the country and Helena has one of the best programs going, it is hard to change peoples habits.

Rep. Darko asked Mr. Jackovich if it is his conclusion that even if they have these programs in existence that they really can't force people to cooperate, and as a general rule is the acceptance of a program slow and coming? Mr. Jackovich stated that it is slow. Some of his customers have been picked up and few have had accidents, but these people are paying their taxes, working, and raising families. He stated that his customers aren't criminals and they shouldn't be treated like criminals, they should have a chance after their first offense. If they are engaged in an accident where someone is killed then the court should act accordingly.

Closing by Sponsor:

Rep. Vincent stated that the first point he would like to make is that the first chance hundreds of times has meant the end of a life in Montana. One out of ten people are driving drunk every Friday and Saturday night, maybe more. Out of every 2,000 drunk drivers, only one is caught. Most of these people are driving at least 100 times intoxicated before

they are caught the first time. That first chance isn't going to mean very much if it results in the death of the loved one that you have.

Rep. Vincent said that HB 425 states that we will do all we can to deter you, but if you drink and drive, we will punish you then we will help you. We will help you not only for your own good, but for our mutual safety. This bill represents an opportunity to save lives and to help those people that are endangering your lives, my life and the lives of our families everyday.

Rep. Vincent proposed an amendment (EXHIBIT 7) and closed the hearing by saying that "drunk drivers bring families together . . . at the funeral."

HEARING ON HOUSE BILL 404

Presentation and Opening Statement by Sponsor:

Rep. Keller stated that HB 404 proposes an amendment to the statute of Section 68-61-8714 Montana Codes Annotated. Two changes in the DUI clause are the conviction of DUI from 60 days to 6 months and the fine stays the same, and the penalty to put it into a felony of five years or \$5,000. This legislation is proposed by the County Attorney's at their request.

Testifying Proponents and Who They Represent:

John Connor, County Prosecutors Services Bureau of the Department of Justice, Montana County Attorney's Association
Wally Jewell, Montana Magistrates Association
Mike DaSilva, Helena Stop DUI Task Force

Proponent Testimony:

John Connor stated that HB 404 was requested by the Montana County Attorney's Association and was done so primarily from the frustration that the prosecutors feel by the inability to get accomplished the kinds of treatment programs that the legislature has mandated by statute in prior years for first offense DUI's. He said it is imperative that HB 404 be not viewed as a punitive measure in terms of the first offense DUI situation. It is not intended to be punitive and it won't be used as a punitive measure. The provisions with respect to six months provides in effect that it allows the court the jurisdiction over the first time offender to carry out the treatment programs that are necessary. When a first offender comes before the court and treatment is ordered and the offender leaves the court, the situation with respect to treatment becomes bad thereafter. If the offender doesn't complete the program and the court and the prosecutor are notified immediately that the offender has not attended, the situation can be dealt with. The offenders probation can be

revoked and brought back before the court for further proceedings including incarceration.

He said the problem comes when the offender begins to drop out of school on occasion. The counselor then notifies the court, the offender gets back in after someone has contacted him about it and he goes intermittently after. Finally he doesn't complete any court ordered evaluation and doesn't complete a treatment program as has been recommended by the evaluation program. With a 60 day maximum penalty under the statute, the courts jurisdiction expires at the end of that time. If the offender doesn't follow through on his own, at the end of 60 days there is nothing the court can do to him as far as the DUI offender is concerned, it simply loses jurisdiction over him. The option is to file a criminal complaint for contempt of court against the offender and file a separate proceeding and bring him back into court on a separate misdemeanor offense which carries its own penalty of six months and \$500 bond. He said that isn't a good idea, first of all because this person may have an alcohol problem and to deal with him as a contempt of court case with a misdemeanor penalty doesn't seem to be appropriate. Secondly and perhaps more practically, when that sort of situation happens, the judge who was presiding the original case, essentially becomes a witness in the subsequent case and therefore can't preside. HB 404 would go well with HB 425 by giving that extended jurisdiction that the court needs to track the offender and to see that he is getting the counseling that seems appropriate.

Wally Jewell stated that MMA supports HB 404 not because it would give the limited jurisdiction courts the ability to put someone in jail for six months, jail time doesn't do anyone any good. The main purpose of this legislation is to give the limited jurisdiction courts more time to accomplish the purpose of getting the person through treatment or at least have that person under the court's control until they complete the treatment (See EXHIBIT 8).

Mike DaSilva stated that it makes a lot of sense to give the judge the ability to oppose a sentence, and the should also give them the ability to see that it is carried out. On the forth offense felony portion of it, if the wording in the law has changed the way HB 425 changes it, there will not be as many forth offenses because these people will get treatment and they will not be back in forth Courts.

Testifying Opponents and Who They Represent:

Walter Jackovich, Butte Bar/Restaurant Owner

Opponent Testimony:

Walter Jackovich stated that there is a lot of money spent on tracking down DUI people. There is not enough emphasis

placed on the fact that maybe there are 48% of people using drugs, not only alcohol is involved in traffic accidents, but what is the legislature doing about the other 52% that is creating fatalities on the highway at the same time. There is no money spent to keep them off the highways to make them responsible for their actions.

Questions From Committee Members:

- Rep. Eudaily asked Mr. Connor if there is another way that the court can maintain jurisdiction without extending this first offense to six months? Mr. Connor stated that his understanding of the law is that the court's jurisdiction over an offender in any criminal case extends only to the extent of the maximum penalty allowed for that offense. As far as first offense DUI is concerned, the maximum penalty is 60 days and the court's jurisdiction extends only for 60 days. If a person doesn't comply with the law by filing a criminal contempt citation against them.
- Rep. Brown asked Mr. Connor if the main reason for this bill is because of a case management problem? There is an inability to get people to attend the ACT programs that they are suppose to for violation. Why not take HB 425 with the amendments that require as a condition of getting their license back in or a suspending sentence that they have to show mandatory attendance of completing a program? Mr. Connor stated that the problem to this approach is that while the continuing suspension in affect until treatment is completed is a good idea, the fact is that most DUI offenders don't care about whether they have a drivers license or not and that isn't going to stop them from getting in the car and driving under the influence of alcohol.
- Rep. Strizich asked Dan Russell, Administrator of Department of Institutions in terms of the people that might impact the prison system and the probation. Mr. Russell stated that 80 - 100 with four or more DUI offenses. They took the most conservative approach in terms of those numbers that would probably go to prison. They have about 80 cases per probation per parole officer. If you get another 50 or 60 it could impact the prison.

Closing by Sponsor:

- Rep. Keller stated that the purpose of this bill is to have further jurisdiction over the first offender over a period to allow him, and possibly to encourage him to take the ACT training program.

HEARING ON HOUSE BILL 445

Presentation and Opening Statement by Sponsor:

Rep. Bardanouve stated that HB 445 is a simple bill and is patterned after a bill in New Jersey. It provides for a more severe criminal charge in areas of educational facilities. As the Judiciary Committee well knows, Montana has a very serious drug problem. Schools are one area in Montana that drugs should not be sold or transported within 1,000 feet of any school property or school facility. There is increased use of drugs among young people and surprisingly there is a large amount of drugs sold by young people. If minors receive drugs in the very same place they receive education we are beginning a life long problem for these people, our most precious asset. When we give them opportunities and people take advantage of them and educate them into the world of drugs they are forming habits and social patterns that they will have for the rest of their lives. This bill was put on the books in New Jersey and if they feel there is merit to the bill, they can change the penalties, but the primary focus of this bill is that the educational facility should be a place where drugs should not be sold and there should be an additional penalty if they are sold within that facility. The records show that the use or sale of drugs in the schools of New Jersey has fallen a great deal.

Testifying Proponents and Who They Represent:

Rep. Vincent, Speaker of the House
Henry Badt, Montana Association of County School Superintendents
Jess Long, School Administrators of Montana

Proponent Testimony:

Rep. Vincent stated that he is in strong support of this bill, more as a school teacher with 18 years in the classroom. We need to do everything we can in regard to addressing the drug problems, this bill is not a final solution, but it will serve to send a strong message that if people choose to partake in this type of drug dealing that the penalty will be swift and sure and punitive and that will help.

Henry Badt stated that the area surrounding the school as far as dealing with drugs with all other types of activities. The police and the individuals in the community have a difficult time policing this area because they feel that it is hard for them to make any arrests or any statements as far as where these individuals should be. It is available for students to go out and be with these individuals during the noon hours and also between breaks in classes. Anything that can be done to stop the contacts being made with these individuals will be a benefit to the students.

Jess Long asked for the committee's support of HB 445. It is the obligation of the parents, schools, communities and the state to create drug-free zones around schools. HB 445 in concept as one of those things that is trying to accomplish that. Drugs have no place in and around the school that is a choice for adults and not for students.

Testifying Opponents and Who They Represent:

Robert Scott, Examiner for State of Montana

Opponent Testimony:

Robert Scott stated that everyone would agree with the spirit of this bill, no one is in favor of minors possessing drugs. Having analyzed this bill he finds that it is very inaccurately drafted. It won't accomplish with any degree of efficiency what the representatives have indicated that it would. We can all agree that the intent behind this bill is in fact to prevent our young people from being able to obtain drugs. The section 1 puntizizes criminal sale or possession or the intent to sell and simple possession of every dangerous drug under this statute is a \$500 fine.

Questions From Committee Members:

Rep. Addy asked Rep. Bardanouve if this is a problem in his district? Rep. Bardanouve stated that, surprisingly, in the small schools of Montana there is a lot of drug use. There are cases of schools with an enrollment of only 50 where there are drugs available.

Rep. Addy asked Rep. Bardanouve if HB 445 aimed at people over 18 years of age who are coming into the school to sell drugs to students. Is that the situation up there or is it students selling to other students? Rep. Bardanouve stated that the drugs are distributed basically by the people who are enrolled in the school. The adults in a small town do not have access to any school facilities, but in the bigger cities they are harder to see so they get away with it.

Closing by Sponsor:

Rep. Bardanouve stated that everyone agonized over the drug problems, and Mr. Scott agonizes over the solution. He said he wishes he knew the final answer to the problem. There probably isn't anyone in Montana that has an answer to the drug problem, it is widespread and it ruins the lives of adults and children. Criminal acts occur beyond the use of drugs themselves, but something has got to be done. It is important that the areas where we educate our young people, where we spend millions of dollars, as much as possible we should say to those who deal, sell or handle drugs of some form, you may do it somewhere else, but you should not do it in the area of our education. This should be a neutral area

where drugs should not be brought in to.

HEARING ON HOUSE BILL 414

Presentation and Opening Statement by Sponsor:

Rep. Spaeth stated that HB 414 increases the fine from \$50 - \$250 for minors in possession for each offense. This bill also changes the penalty for an adult 18 - 21 years of age, which is considered an adult under the laws of the State of Montana, that is in possession of alcohol but are still unable to drink. This changes to a misdemeanor and the fine is \$500 or six months or less in jail.

Testifying Proponents and Who They Represent:

Wally Jewell, Montana Magistrates Association

Proponent Testimony:

Wally Jewell stated that he agreed with Rep. Spaeth and would urge the committee's support (See EXHIBIT 9).

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

No questions were asked.

Closing by Sponsor: Rep. Spaeth closed the bill.

HEARING ON HOUSE BILL 393

Presentation and Opening Statement by Sponsor:

Rep. Darko stated that HB 393 redefines possession so that it also includes consumption. This bill also allows for misdemeanor charges to be filed against a person of 18 years or older by \$500 or six months in jail. HB 393 directly or indirectly through community services pays for their court ordered treatment. There are people that can't afford the court ordered treatment so there must be some way that they can pay for it, by community service, etc.

Testifying Proponents and Who They Represent:

Wally Jewell, Montana Magistrates Association

Mike Ruppert, Boyd Andrew Chemical Dependency Cure Center

Judy Griffith, Helena Project CARE & Lewis and Clark DUI Task Force

Mike DaSilva, Helena Stop DUI Task Force

Proponent Testimony:

Wally Jewell stated that one point that hasn't been brought out today is that all of these things are directly related. From June of 1986 to June of 1987 there were only 329 misdemeanor criminal convictions in Havre. Of these convictions 65% or 213 of them were alcohol related. Of these 213 alcohol related criminal offenses, 31% were committed by people under the age of 21 (EXHIBIT 10).

Mike Ruppert stated that he doesn't know if there is a way to not make adolescents drink. The problem with adolescents drinking is that the younger a person begins to consume alcohol on a regular basis, the greater the risk of developing chemical dependency. The best thing they can do is to encourage people to wait until they are adults before they choose to consume alcohol. Adults chances of becoming an alcoholic are about 1 out of 8 as compared to a senior in high school whos chances of becoming an alcoholic is about 1 out of 5. The chances for a sophomore or below of becoming an alcoholic is 1 out of 2.

Judy Griffith stated that she supports all of the bills that strengthen the minor in possession and the DUI laws. Alcohol by adolescents is out of control in our country, and in our state and that is due in large partly to the very ambiguous message that children receive from adults. A minor in possession charge is not taken seriously by many young people.

Mike DaSilva stated that before we knew much about alcohol, if people drank before 5:00 p.m. it was serious business. He said they did a survey and around 25% of our high school kids are drinking before school in the morning, or during school. That means we have a school system that is turning out 1/4 of the kids that have the potential of developing a life long debilitating problem. Alcoholism will kill them in one way or another if we don't control it for them.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

No questions were asked.

Closing by Sponsor:

Rep. Darko stated that she wants the committee's help on the definition of consumption. Students should be allowed to learn from their mistakes, that is how we all learn.

HEARING ON HOUSE BILL 497

Presentation and Opening Statement by Sponsor:

Rep. Darko stated that HB 497 allows for the judge to suspend the drivers license of the minor in possession, whether the minor was driving or not. The bill also increases the penalties for DUI subsequent offenses, 90 days the second offense up to one year. The main section deals with the minor in possession and the suspension of the drivers license. With the suspension of license it not be allowed to be used by insurance companies to drive up insurance rates and it would not count for points on drivers records if the suspension of the drivers license was not tied to a driving offense.

Testifying Proponents and Who They Represent:

Wally Jewell, Montana Magistrates Association

Barbara Moy, Lewis and Clark DUI Task Force

Judy Griffith, Helena project CARE and Lewis and Clark DUI Task Force

Peter Funk, Assistant Attorney General, Department of Justice

Proponent Testimony:

Wally Jewell presented exhibits supporting HB 497 (See EXHIBITS 11, 12 and 13).

Barbara Moy stated that they support the measure for MIP. Youth is the target area on the Task Force and any education, information, treatment or counseling that they can provide they will.

Judy Griffith stated that bill holds one consequence and will get the attention of young people and their parents, the loss of the right to drive the automobile is more important to them than the loss of the right and left arm to a teenager. The moment the parents begin to realize that they are going to be ferrying their children about for a few months as a result of a minor in possession, parents will take a more serious look at their youth and drinking.

Peter Funk stated that first of all he wants the committee to understand that this bill does not confer additional authority on sentencing courts. This bill amends the provisions of Title 61, which is the motor vehicle code. The general scheme of suspension or revocation of drivers licenses in Montana is that the division of motor vehicles

acts under their statutory authority based upon the report of a conviction from the sentencing court. The court itself does not say this person is guilty of a certain offense, and their drivers license will be suspended for so long.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

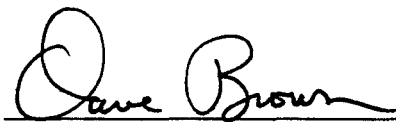
Questions From Committee Members:

No questions were asked.

Closing by Sponsor: Rep. Darko stated that her Justice of the Peace said she could take the license away from the minor in possession and put that license in her desk drawer and forbid him/her to drive. However, if they are caught driving, there is no record of their license ever being revoked. She said she would be willing to work with the Department of Justice on that very issue as far as what to do.

ADJOURNMENT

Adjournment At: 11:05 a.m.

A handwritten signature in cursive script that reads "Dave Brown". The signature is written in dark ink and is positioned above a horizontal line.

REP. DAVE BROWN, Chairman

DB/je

7808.min

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEB. 7, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		



Town of Superior

P.O. Box 726
Superior, Montana 59872
(406) 822-4672

EXHIBIT 1
DATE 2-7-89
HB 425

January 27, 1989

Wally Jewel

520 Tamarack

Helena, Montana 59620

Dear Wally,

The general question of the length of jurisdiction is first offense DUI and DUI Per Se cases has been discussed in general at the schools we've attended; I believe that it was mentioned as a subject that needs some legislative clarification.

The question has arisen again in my court. I had to dismiss a contempt of court charge that I filed for failure to complete the "treatment as recommended". The defense lawyer's position was that the court's jurisdiction extends only 60 days (10 in Per Se). He says that after that time has run, the defendant can quit, if he desires; the court cannot revoke or charge contempt because the law is embodied by the statutes and not by the Montana Rules - which he says are a suggestion, not law.

MY Town cannot afford a supreme court case to settle this question. Neither do I want to give in. Surely the Legislature won't mandate that the courts order treatment that runs beyond the 60 days and then not give us the authority to assure that the order is obeyed.

A clear statement of the length of our jurisdiction is badly needed in first offense DUI and DUI Per Se cases. Either that, or we should be excused from ordering the additional treatment. A powerless court is a subject for



Town of Superior

P.O. Box 726
Superior, Montana 59872
(406) 822-4672

EXHIBIT 1
DATE 2-7-89
HB 425

Page two

laughter. The word gets around fast. I am certain that this arguement will appear in my court more and more often.

If you agree with me that this question needs an immediate legislative solution, would you please turn your considerable talents and knowledge to this problem? If you are already working on it, please let me know if there is anything I can do to help. I am writing my representatives. You nay use this letter if you wish.

Sincerely,

Judith M. Ackman

Town Judge Superior, Montana

P.S. I will be staying at the Coach House East in Helena from February 14th until the 17th, if you want to talk to me.

ANALYSIS OF MONTANA DUI CONVICTIONS
FOR YEARS OF 1985, 1986, 1987, 1988

	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
MONTANA CONVICTIONS	8102	7406	6931	6714
OUT-OF-STATE CONVICTIONS	292	232	360	243
TOTAL CONVICTIONS	8394	7638	7291	6957
	<u>PER</u>	<u>PER</u>	<u>PER</u>	<u>PER</u>
	<u>CENT</u>	<u>CENT</u>	<u>CENT</u>	<u>CENT</u>
TYPE OF OFFENSE				
DUI	66.7	63.8	57.7	55.5
DUI PER SE	10.1	10.6	14.5	14.5
TOTAL FIRST OFFENSES	76.8 <i>6222</i>	74.4 <i>5510</i>	72.2 <i>5004</i>	70.0 <i>4699</i>
TOTAL SECOND OFFENSES	19.4 <i>1571</i>	20.6 <i>1525</i>	20.3 <i>1406</i>	22.0 <i>1477</i>
TOTAL THIRD OR MORE OFFENSES	3.8308	5.0370	7.5519	8.0537
TOTAL MULTIPLE OFFENSES	23.2 <i>1879</i>	25.6 <i>1895</i>	27.8 <i>1926</i>	30.0 <i>2014</i>
JUVENILE OFFENSES	1.8	1.6	1.1	2.9
ARREST BY AGENCY (In State)				
City Police	46.3	49.6	45.6	50.4
Sheriff	22.3	23.6	26.7	21.0
Highway Patrol	25.9	22.4	24.0	23.7
BIA	3.1	3.0	3.3	3.7
Others and Unknown	2.3	1.4	.4	1.0
OUT-OF-STATE CONVICTIONS	3.4	3.0	4.9	3.4
INAPPROPRIATE ACTION BY COURTS				
Late Tickets		.5	.5	.3
Sentences Contrary to Law		2.9	2.9	1.9
TOTAL	5.6	3.4	3.4	3.2
CONVICTIONS BY SEX				
Male	84.7	84.6	82.9	82.0
Female	15.3	15.4	17.1	18.0
MULTIPLE OFFENSES BY SEX				
Male		90.2	87.4	86.4
Female		9.8	12.6	13.6
MISCELLANEOUS				
BAC Refused			12.7	12.8
Average BAC			.18	.18

ALCOHOL IN OTHER ARRESTS

Various research studies show different but high rates of involvement by alcohol in other offenses.

Example: In December 1969, the Los Angeles Police Department checked the alcohol involvement of all incidents requiring police intervention and of all arrests:

19.4% of all incidents involved alcohol

71.9% of all arrests involved alcohol

The degree of alcohol-involvement for different categories of arrest was as follows:

Drunk and under the influence	93.7%
Disturbance	82.4%
Burglary and theft	49.7%
Traffic violation and accident	67.3%
Family and neighborhood dispute	92.3%
Assault with a deadly weapon	78.5%
Miscellaneous	64.7%

All arrests	71.9%
-------------	-------

In violent crimes against the person, various studies report the following degrees of alcohol-involvement:

Murders	64%
Assaults	41%
Forcible rape	34%
Other sex crimes	29%

Sources: LAPD, NIAAA

COURT PROCESSING

Among persons formally charged with offenses in 1976, court action resulted in the following patterns:

OFFENSE	PERCENT GUILTY AS CHARGED	PERCENT GUILTY LESSER OFFENSE	PERCENT DISMISSED OR ACQUITTED	PERCENT REFERRED TO JUVENILE COURT
Drunkenness	85.5	0.5	12.0	2.0
DWI	75.7	12.7	9.9	1.7
Disorderly Conduct	70.4	1.3	19.3	9.0

For comparison:

Drugs	44.9	4.1	24.4	26.5
Larceny- Theft	46.3	2.8	14.5	36.4
Index Offenses	40.1	4.2	16.1	39.6
All Offenses	60.3	3.4	17.7	18.7

Drunkenness had the highest conviction--rate of all offenses, and the second lowest rate of juvenile-involvement. DWI had the third highest conviction-rate of all offenses, and the lowest rate of juvenile-involvement.

Source: FBI Crime Report for 1976

CORRECTIONS (Jail, Probation, Parole)

Each year some 3 million persons are for a time under the control of the correctional system. On any given day, about 1.5 million people are under such control, about one-third of them in jail, two-thirds on parole or probation.

Various studies estimate that:

70% of the prison population have alcohol problems.

40% of the probation/parole population have alcohol problems.

DO ALCOHOL AND DRUGS CAUSE CRIME?

The Drug Abuse-Crime Link is Complex.

Research on the link between crime and drug abuse has yielded what often appear to be conflicting conclusions. Studies show that, among prison inmates, the drug abusers, more than others, tended to be involved in money-producing crimes.

The Rand career criminal study found that, among felons, drug abusers committed more burglaries, con-type crimes, and drug sales than burglars, con-men, and drug dealers who did not use drugs. For other crimes, there were no appreciable differences between drug users and nondrug users in either the number of prisoners involved or in the number of crimes they committed.

Similar findings emerged from the 1979 national survey of State prisoners. Among violent criminals, only robbers had a relatively high proportion (38%) of inmates who said they had been under the influence of drugs, and most of these said they had been under the influence of marijuana.

Ball's study of Baltimore addicts showed that drug users committed an enormous number of crimes, mainly theft and drug dealing, and that, on the average, the typical addict committed a crime every other day. However, other research shows that most heroin-addicted criminals were involved in crime before they became addicted and that traditional income sources, rather than street crimes, are the major source of support for the drug habit.

Drug and Alcohol Abuse was Far Greater Among Offenders than Among Nonoffenders

According to findings from a 1979 survey of prison inmates--

- * More than 75% of all State prisoners had used one or more illicit drugs in their lifetime, about double the rate for the U.S. population, reported by the National Institute of Drug Abuse.
- * Heroin, used by only 4% of all youths age 18-25, was used by 28% of all inmates, most of whom used it at least once a week before they entered prison.
- * Cocaine, used by 41% of the prisoners, was also widely used by 18-to-25 year olds outside prison (28%).

- * Marijuana was the most commonly used drug, both by inmates and by persons outside prison. Of all prisoners, 86% had used it, compared with 68% of the general population age 18-25. The number of young people who had used only marijuana and no other drug was the same for inmates and the general population -- one out of five.
- * Amphetamines and barbituates were used by close to 40% of the prisoners, about twice the proportion who used it outside prison.
- * More than a third of all inmates drank heavily; that is, at any one drinking session they typically drank the equivalent of eight cans of beer, seven 4-ounce glasses of wine, or nearly nine ounces of 82-proof liquor; during the year before their arrest, two-thirds drank heavily every day.

At the Time of Their Offense,
a Third of the Prisoners
Had Been Under the Influence of a Drug.

- * Most were under the influence of marijuana, but usually in combination with another more serious drug such as heroin.
- * 9% were under the influence of heroin.
- * Among inmates, women were more likely than men to have been drinking heavily (35% v. 15%).

Drinking Problems Were Common for Career Criminals.

- * Prison inmates with a large number of prior convictions were more likely than other inmates to have been drinking just prior to their current offense.
- * Habitual offenders drank more frequently, consumed more at one session, and were more likely to get drunk than one-time offenders.

Source: "Report to the Nation on Crime and Justice," U.S. Dept. of Justice, 1983

7 January 1989

Testimony offered in support of HB425, a bill for an act entitled: "An act to modify the driving under the influence and per se penalty statutes relating to alcohol- or drug-related driving offenses."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The Montana Magistrates Association supports this legislation as it attempts through driver's license suspension/revocation to increase the length of time the limited jurisdiction courts would have jurisdiction.

In March of 1987 I was fortunate enough to attend the National Judicial College at the University of Nevada Reno. It was there that I learned that any action by a court represents the most forceful and probably the first formal action by society against abusive or dependent behavior. Some 80% of our prison populations have drinking problems. Courts in general have yet to be persuaded to intervene at the source of such criminal conduct, preferring to use only traditional criminal sanctions, ie, jail, fine, etc. Judges see more substance dependent people than all the treatment personnel in the country yet many lack expertise in identifying or responding to it.

This is why it is so important that limited jurisdiction judges be able to rely upon the expertise of chemical dependency experts when a sentence is imposed. We would support an amendment requiring treatment unless deemed unnecessary by the counselor conducting the program.

Contrary to popular belief, "social drinkers" for the most part are not arrested for DUI. It is now estimated that in most states the probability of DUI arrest is 1 in 280 trips. The chance of no DUI arrest is 97%. Only when you drive DUI about twice a week do you have at least a 50% chance of an arrest.

Of 1208 DUI convictions in Allen County, Indiana, in 1985, 90% were diagnosed as problem drinkers or alcoholics with an average BAC of 0.19%. A 1983 study in Pennsylvania, obtained similar results. Of 21,000 offenders, 75% were either alcoholic or problem drinkers with an average BAC of 0.19%.

In Montana it appears that the "social drinker" is being addressed by current statute but little progress is being

made with regard to the multiple offender. In 1985 the multiple offender comprised 23.2% of the total number of DUI's, 1879 of 8102. Ever since then that figure has been on the rise. To 25.6%, 1895 of 7406, in 1986; to 27.8%, 1926 of 6931, in 1987; to 30%, 2014 of 6714, in 1988. Some provision needs to be made in the statute to address the first offense DUI offender who is not the "social drinker."

If stronger treatment measures were incorporated into current statute and the limited jurisdiction courts were given more time to effect a behavior change, we think the number of multiple offenders would decrease.

I am handing out a letter from the town judge in Superior, Montana, that shows just how frustrating this problem of length of jurisdiction can be.

I encourage you to support this legislation and give it a do pass recommendation from the committee.

Wallace A. Seavey.

ANALYSIS OF MONTANA DUI CONVICTIONS
 FOR YEARS OF 1985, 1986, 1987, 1988

	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
MONTANA CONVICTIONS	8102	7406	6931	6714
OUT-OF-STATE CONVICTIONS	292	232	360	243
TOTAL CONVICTIONS	8394	7638	7291	6957
	<u>PER</u>	<u>PER</u>	<u>PER</u>	<u>PER</u>
	<u>CENT</u>	<u>CENT</u>	<u>CENT</u>	<u>CENT</u>
TYPE OF OFFENSE				
DUI	66.7	63.8	57.7	55.5
DUI PER SE	10.1	10.6	14.5	14.5
TOTAL FIRST OFFENSES	76.8 <i>6222</i>	74.4 <i>5510</i>	72.2 <i>5604</i>	70.0 <i>4699</i>
TOTAL SECOND OFFENSES	19.4 <i>1571</i>	20.6 <i>1525</i>	20.3 <i>1406</i>	22.0 <i>1477</i>
TOTAL THIRD OR MORE OFFENSES	3.8308	5.0370	7.5519	8.0537
TOTAL MULTIPLE OFFENSES	23.2 <i>1879</i>	25.6 <i>1895</i>	27.8 <i>1926</i>	30.0 <i>2014</i>
JUVENILE OFFENSES	1.8	1.6	1.1	2.9
ARREST BY AGENCY (In State)				
City Police	46.3	49.6	45.6	50.4
Sheriff	22.3	23.6	26.7	21.0
Highway Patrol	25.9	22.4	24.0	23.7
BIA	3.1	3.0	3.3	3.7
Others and Unknown	2.3	1.4	.4	1.0
OUT-OF-STATE CONVICTIONS	3.4	3.0	4.9	3.4
INAPPROPRIATE ACTION BY COURTS				
Late Tickets		.5	.5	.3
Sentences Contrary to Law		2.9	2.9	1.9
TOTAL	5.6	3.4	3.4	3.2
CONVICTIONS BY SEX				
Male	84.7	84.6	82.9	82.0
Female	15.3	15.4	17.1	18.0
MULTIPLE OFFENSES BY SEX				
Male		90.2	87.4	86.4
Female		9.8	12.6	13.6
MISCELLANEOUS				
BAC Refused			12.7	12.8
Average BAC			.18	.18

ALCOHOL IN OTHER ARRESTS

Various research studies show different but high rates of involvement by alcohol in other offenses.

Example: In December 1969, the Los Angeles Police Department checked the alcohol involvement of all incidents requiring police intervention and of all arrests:

19.4% of all incidents involved alcohol

71.9% of all arrests involved alcohol

The degree of alcohol-involvement for different categories of arrest was as follows:

Drunk and under the influence	93.7%
Disturbance	82.4%
Burglary and theft	49.7%
Traffic violation and accident	67.3%
Family and neighborhood dispute	92.3%
Assault with a deadly weapon	78.5%
Miscellaneous	64.7%

All arrests	71.9%
-------------	-------

In violent crimes against the person, various studies report the following degrees of alcohol-involvement:

Murders	64%
Assaults	41%
Forcible rape	34%
Other sex crimes	29%

Sources: LAPD, NIAAA

COURT PROCESSING

Among persons formally charged with offenses in 1976, court action resulted in the following patterns:

<u>OFFENSE</u>	<u>PERCENT GUILTY AS CHARGED</u>	<u>PERCENT GUILTY LESSER OFFENSE</u>	<u>PERCENT DISMISSED OR ACQUITTED</u>	<u>PERCENT REFERRED TO JUVENILE COURT</u>
Drunkenness	85.5	0.5	12.0	2.0
DWI	75.7	12.7	9.9	1.7
Disorderly Conduct	70.4	1.3	19.3	9.0

For comparison:

Drugs	44.9	4.1	24.4	26.5
Larceny- Theft	46.3	2.8	14.5	36.4
Index Offenses	40.1	4.2	16.1	39.6
All Offenses	60.3	3.4	17.7	18.7

Drunkenness had the highest conviction--rate of all offenses, and the second lowest rate of juvenile-involvement. DWI had the third highest conviction-rate of all offenses, and the lowest rate of juvenile-involvement.

Source: FBI Crime Report for 1976

CORRECTIONS (Jail, Probation, Parole)

Each year some 3 million persons are for a time under the control of the correctional system. On any given day, about 1.5 million people are under such control, about one-third of them in jail, two-thirds on parole or probation.

Various studies estimate that:

70% of the prison population have alcohol problems.

40% of the probation/parole population have alcohol problems.

DO ALCOHOL AND DRUGS CAUSE CRIME?

EXHIBIT 3
DATE 2-7-89
PB 425

The Drug Abuse-Crime Link is Complex.

Research on the link between crime and drug abuse has yielded what often appear to be conflicting conclusions. Studies show that, among prison inmates, the drug abusers, more than others, tended to be involved in money-producing crimes.

The Rand career criminal study found that, among felons, drug abusers committed more burglaries, con-type crimes, and drug sales than burglars, con-men, and drug dealers who did not use drugs. For other crimes, there were no appreciable differences between drug users and nondrug users in either the number of prisoners involved or in the number of crimes they committed.

Similar findings emerged from the 1979 national survey of State prisoners. Among violent criminals, only robbers had a relatively high proportion (38%) of inmates who said they had been under the influence of drugs, and most of these said they had been under the influence of marijuana.

Ball's study of Baltimore addicts showed that drug users committed an enormous number of crimes, mainly theft and drug dealing, and that, on the average, the typical addict committed a crime every other day. However, other research shows that most heroin-addicted criminals were involved in crime before they became addicted and that traditional income sources, rather than street crimes, are the major source of support for the drug habit.

**Drug and Alcohol Abuse was Far Greater
Among Offenders than Among Nonoffenders**

According to findings from a 1979 survey of prison inmates--

- * More than 75% of all State prisoners had used one or more illicit drugs in their lifetime, about double the rate for the U.S. population, reported by the National Institute of Drug Abuse.
- * Heroin, used by only 4% of all youths age 18-25, was used by 28% of all inmates, most of whom used it at least once a week before they entered prison.
- * Cocaine, used by 41% of the prisoners, was also widely used by 18-to-25 year olds outside prison (28%).

- * Marijuana was the most commonly used drug, both by inmates and by persons outside prison. Of all prisoners, 86% had used it, compared with 68% of the general population age 18-25. The number of young people who had used only marijuana and no other drug was the same for inmates and the general population -- one out of five.
- * Amphetamines and barbituates were used by close to 40% of the prisoners, about twice the proportion who used it outside prison.
- * More than a third of all inmates drank heavily; that is, at any one drinking session they typically drank the equivalent of eight cans of beer, seven 4-ounce glasses of wine, or nearly nine ounces of 82-proof liquor; during the year before their arrest, two-thirds drank heavily every day.

At the Time of Their Offense,
a Third of the Prisoners
Had Been Under the Influence of a Drug.

- * Most were under the influence of marijuana, but usually in combination with another more serious drug such as heroin.
- * 9% were under the influence of heroin.
- * Among inmates, women were more likely than men to have been drinking heavily (35% v. 15%).

Drinking Problems Were Common for Career Criminals.

- * Prison inmates with a large number of prior convictions were more likely than other inmates to have been drinking just prior to their current offense.
- * Habitual offenders drank more frequently, consumed more at one session, and were more likely to get drunk than one-time offenders.

Source: "Report to the Nation on Crime and Justice," U.S. Dept. of Justice, 1983

Testimony in Support of HB 425

presented February 7, 1989

I strongly recommend the House Judiciary committee issue a "Do Pass" recommendation for HB 425 as amended.

The intent of the original law was to insure that all DUI offenders who have drinking problems receive alcoholism treatment in order to prevent future offenses. The assumption was that jail, fines and education would not stop an alcoholic from continuing to drive under the influence. The assumption is still valid, however many DUI offenders who are diagnosed as alcoholic are not receiving treatment. The amendment offered today will strengthen this portion of the law.

The percentage of repeat offenders has steadily increased. This is attributable to the fact that few first offenders who are diagnosed as alcoholic are entering treatment. Records received from Lewis and Clark County Courts indicate that during 1988 court action was taken on only 2 of 83 first offenders who refused treatment. During the same period court action was taken on only 10 of 36 multiple offenders. Clearly the law needs to make treatment for alcoholic DUI offenders emphatically mandatory.

Two myths need to be dispelled.

MYTH

Many 1st offense DUI offenders are merely "unlucky" social drinkers who have broken the law only on the occasion they were arrested.

An alcoholic must want help for treatment to be effective. Forced treatment does not work.

REALITY

DUI offenders in Lewis and Clark County report an average of 368 violations before they were arrested the first time.

5.7% of all offenders reported less than 20 offenses before first arrest.

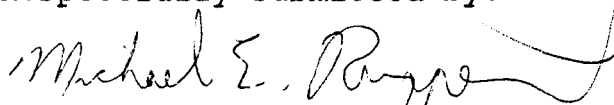
44.7% of all offenders reported 100 or more offenses before first arrest.

Motivation upon entry into treatment is unrelated to outcome. Several studies have shown that the recovery rates of "voluntary" and "involuntary" groups are identical.*

EXHIBIT 4
DATE 2-7-89
HB 425

HB 425 as amended will strengthen our DUI laws and reverse the trend of increased multiple offenses.

Respectfully submitted by:



Michael E. Ruppert, M.A., C.C.D.C.
Executive Director - Boyd Andrew Chemical
Dependency Care Center - Helena
Secretary/Treasurer - Chemical Dependency
Programs of Montana

* See Perspectives on Treatment. Daniel J. Anderson. 1981
Hazelden Foundation.

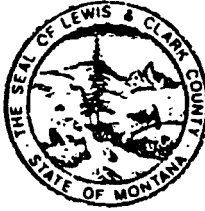


EXHIBIT 5
DATE 2-7-89
HB 425

City-County Building
P.O. Box 1723
Helena, Montana 59624
Telephone 406/443-1010

LEWIS AND CLARK COUNTY

STOP-D.U.I. Task Force

Health Department

The Helena/Lewis and Clark County STOP-DUI Task Force supports HB 404 for these reasons:

- * A person arrested for 1st offense DUI has usually driven drunk numerous times prior to the arrest. A National Highway Traffic Safety Study shows that statistically, a driver would have to commit between 200-2000 drunk driving violations to be picked up just once.
- * The vast majority of those who are arrested drive drunk on the road 4-5 times a week for several years before being caught.
- * In 1987, 73% of all traffic deaths in Lewis and Clark County were caused by drinking drivers... 11 people died... 159 were injured...

HB 404 will carry a strong message to the people that DUI is a serious offense, and that stronger, consistently applied laws are necessary to reduce DUI-related crashes and fatalities.

The Helena/Lewis and Clark County STOP-DUI Task Force supports HB 425 for these reasons:

- * A large % of individuals arrested for DUI are diagnosed as either alcoholic or problem drinkers.
- * The average BAC of a person arrested for DUI is .10% or more, with BAC's of .18% to .20% being average. To reach a BAC of .10% or more, an abnormal use of alcohol is required.
- * Because many DUI offenders are either alcoholics or problem drinkers, they need appropriate sentencing strategies that compel them to abstain from drinking altogether.

HB 425 conveys an appropriate sentencing strategy, the suspension of a driver's license until treatment is completed. Studies have consistently proven that treatment programs offer a positive means to reducing subsequent drinking and driving by DUI offenders.

The Helena/Lewis and Clark County STOP-DUI Task Force supports HB 497 as it proposes a strict and consistent means to handling MIP's, to deterring youth from repeat offenses involving alcohol and drugs. Some information gathered from a recent drug and alcohol survey given students in School District 1, Helena grades 7-12, provides these "insights":

- * 18%-20% of grades 7-12 reported getting drunk before age of 12
- * 53% of 11th and 12th graders admitted being drunk 30 days prior to survey
- * 60% of 11th and 12th graders admitted to drinking and driving

It's because we care.



February 1, 1989

EXHIBIT 6

DATE 2-7-89

HB 425

Dear Judiciary Committee,

I am writing in support of more stringent laws regarding drinking and driving and the enforcement of those laws.

Four years ago I was a pedestrian hit and run over by a pickup driven by a young man who was charged with driving while intoxicated. Unfortunately for me and maybe someone else in the future, he "got off".

I was in intensive care for one month and the hospital for two months with a body so broken that it did not look human. The pain was excruciating. I could not live without morphine. After seven operations and approximately \$150,000.00 worth of doctor bills I look o.k. But I must live with chronic pain, loss of vision, loss of hearing, and loss of other abilities. My life expectancy has surely been reduced. There are many more like me because with modern medicine we are living through it.

Frankly, people who die as a result of a drinking and driving accident are luckier than those who must live in a wheel chair, with limited mental abilities, with pain, etc. These people's quality of life has been reduced because someone chose to drink and drive, and therefore, knowingly impaired the life of an individual.

Not only must the victim suffer but the family is affected. They must change their lives too. Over 80 percent of couples who experience a tragedy such as these get divorced. Ask the psychologists.

Those who socially drink and drive must be penalized for knowingly doing something wrong. They are driving with reduced visibility and reaction time. We all know what the effects of alcohol are.

A \$500.00 fine and a driver's license revoked for 6 months or a year is hardly retribution for the damage done to another's life for the rest of his life. Those who are alcoholic must receive treatment in addition to fines and their licenses being revoked because they are addicted and will not change unless the punishment is so severe that they must change.

Over 60 percent of vehicle accidents are alcohol related. I have a right to be safe and so do other good citizens. If people wish to drink they should "stay put" or have someone else drive. I do not think that is asking much.

I am not sure why I lived. Perhaps, it was to prevent others from having their lives destroyed. Maybe, I can influence some legislators to enact laws to protect the innocent. The penalty must be severe enough to keep social drinkers and alcoholics off the highways. In Germany if any individual is "picked up" his license is revoked for life. They do not have a problem.

We must do something to deter people from drinking and driving. Bills such as those proposed by Vicki Cocchiarella are a "step" in the right direction.

Sincerely,

Marolane Stevenson

Mrs. Marolane Stevenson

PROPOSED AMENDMENTS HB 425

- (1) Page 5, line 1.
Strike: "may"
Insert: "shall"
- (2) Page 5, line 2.
Strike: "or both, if"
Insert: "unless"
Strike: "necessary"
Insert: "unnecessary"
- (3) Page 7, line 11.
Strike: "may"
Insert: "shall"
- (4) Page 7, line 12.
Strike: "or both, if"
Insert: "unless"
Strike: "necessary"
Insert: "unnecessary"

7 February 1989

Testimony offered in support of HB404, a bill for an act entitled: "An act to increase the penalty for a first offense conviction of driving under the influence of alcohol or drugs; establishing that a fourth or subsequent conviction for driving under the influence of alcohol or drugs constitutes a felony."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The Montana Magistrates Association supports this proposed legislation, not because it increases the possible penalty for first offense DUI but because it increases the length of time the limited jurisdiction courts would have jurisdiction over first offense DUI offenders.

As the law now stands the courts only have jurisdiction over a defendant for the length of time that the defendant could possibly be incarcerated [up to the maximum sentence allowed for each particular offense, 46-18-201(b), MCA]. This means that for a first offense DUI now, the court only has jurisdiction for up to 60 days (61-8-714, MCA). The court must also sentence a first offense DUI defendant to attend the 'mandatory' ACT program; but at 20.3.503(3), ARM, the defendant has up to 90 days to complete the ACT program. If the defendant after 60 days has failed to complete this 'mandatory' ACT program, the court has little authority to do anything about it.

There will be those who will say that the defendant will not get his drivers license back unless he completes the ACT program. In speaking with the folks at Driver Improvement it was confirmed that this is not so. See 61-5-209, MCA, "at the end of the period of suspension such license so surrendered shall be returned to the licensee."

Thus, if the defendant is convicted of DUI, pays his fine but does NOTHING ELSE, he will still get his drivers license back after 6 months, no matter what the court recommends to driver improvement. The court could find the defendant in contempt and impose up to 1 day in jail and a \$100 fine, but the purpose of the ACT program is to identify those persons who might have a problem with drinking and driving, educate or treat them, and make the roads of this state safer for those of us that do not drink and drive. Finding someone in contempt, i.e. fining them or jailing them, does nothing to accomplish the purpose of the ACT program.

If the law were changed as is proposed, then the sentencing court could sentence the defendant to up to six months in

-2-

jail, suspend all but 24 hours (61-8-714, MCA) and then have jurisdiction for 179 days more. Should the defendant then fail to complete the ACT program, part or all of his 179 day suspended sentence could be revoked. This would be more of an encouragement to the defendant hesitant to attend the 'mandatory' ACT program and get assistance with the possibility of an alcohol problem.

The judges of the Montana Magistrates Association urge you to pass legislation of this type so that they will have more leverage to get those people into treatment who really need it.

Wallace A. Jewell

7 February 1989

Testimony offered in support of HB414, a bill for an act entitled: "An act increasing the fine for possession of an intoxicating substance by a person under the age of 18 years; making possession of alcohol by a person 18 years of age and older and under 21 years of age a misdemeanor."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

In terms of general deterrence value, the threat of a high fine probably has no general deterrence value. However, the threat of confinement has great general deterrence value, as does the threat of suspension or revocation of one's driver's license.

As the law now stands, 45-5-624, there is no enhancement provision in terms of repeat offenders of the possession of alcohol statute. Whether a person has violated the statute once or has violated the statute for the tenth time in two months, the only provision is for a \$50 fine and the community based substance abuse information course.

What then does the court do when a 19 year old comes before the court for the 3d time in 6 months for violation of this law? He could probably teach the substance abuse information course. A \$50 fine means nothing. Some provision must be made for repeat offenders and for a more thorough treatment process.

We urge your support of the measure proposed.

Wallace A. Jewell

THE NATIONAL JUDICIAL COLLEGE

EXHIBIT 9
DATE 2-7-89

HB 414

LEGAL SANCTION EFFECTIVENESS

1. A fine is the most frequently used sanction. High fines have some positive effect on convicted drinking-drivers, but the threat of a high fine probably has no general deterrence value.
2. Confinement or jail is an effective sanction for a convicted drinking-driver at least during the period of confinement. There is no information as to its effectiveness after the release of an offender from confinement. The threat of confinement has great general deterrence value.
3. Driver's license action, either suspension or revocation, is probably the most effective measure that can be taken against convicted drinking-drivers. It is very effective during the period of suspension or revocation and has a lasting positive effect even afterwards. Driver's license action, like jail, appears to have high general deterrence value.
4. A restricted license has some positive effect on convicted drinking-drivers, but is less effective than driver's license suspension or revocation. It probably has no general deterrence value.
5. Probation works as well as some other punitive sanctions with drinking-drivers. One year of bi-weekly contacts has a positive effect on problem drinkers; probation alone or with education appears to be beneficial for social drinkers. Probation does not appear to have any general deterrence value.
6. The effect of community service as a sanction for convicted drinking-drivers or as a general deterrence measure is not known yet; however, research is being conducted currently on the effectiveness of community service.
7. There are other imaginative and innovative sanctions that are being used with drinking drivers: victim restitution, impoundment of the offender's vehicle, "scarlet letter" sanctions, special confinement requirements, and traffic schools. Most of these sanctions have not been evaluated, although traffic schools have been found to have little effect on traffic offenders.

Source: Summary of Research in James A. Palmer, The Judicial Response to the Drinking Driver: A Self-Instruction Text (draft, 1985)

THE NATIONAL JUDICIAL COLLEGE

HEALTH SANCTION EFFECTIVENESS

1. With social drinkers, alcohol/highway safety education is more effective than traditional penalties alone. If correctly identified, social drinkers need no "treatment."
2. With social drinkers, a home-study course is as effective as a classroom approach (Phoenix, Sacramento).
3. With problem drinkers, some beneficial effects come from short-term education of the right kind, but the wrong kind may have bad effects (ASAP, Sacramento). Home-study is as effective as in-class education.
4. With problem drinkers, short-term treatment (6 months or less) is generally ineffective. However, long-term treatment (12 months or more) is more effective than traditional sanctions alone (Sacramento, Alaska). Treatment involving only brief bi-weekly contacts is as effective as group counseling for some problem drinkers (Sacramento).
5. With problem drinkers, short-term treatment is NOT as effective as license suspension or revocation (but probably more effective than restriction). However, long term treatment works as well as license action.
6. Incorrect identification of problem drinkers as social drinkers, followed by an inappropriate referral to education, has harmful effects (ASAP).

Source: Local and national studies summarized from Palmer, op.cit.

Recommendations of the Presidential Commission on Drunk Driving

7. Education and rehabilitation should be used to supplement but NOT REPLACE traditional sanctions. They should therefore come as a condition of sentencing not as a form of pre-conviction diversion.
8. Education should be offered only for social drinkers, only for first offenders, only for those who have not had it before. Problem drinkers should go to rehabilitation not education.
9. Rehabilitation programs should be tailored to individual needs. The length of time in treatment should be determined by treatment personnel and enforced by court probation.

Source: Report of the Presidential Commission on Drunk Driving

7 February 1989

Testimony offered in support of HB393, a bill for an act entitled: "An act relating to possession of an intoxicating substance; clarifying that possession of an intoxicating substance includes consumption of the substance."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The MMA would support any effort to stop the alcohol abuse cycle. It is exceedingly frustrating when a 19 year old youth comes before the court for the 3d time in 6 months for the same offense and the court can do nothing to effect a change in the person's behavior.

It is exceedingly frustrating when a father is in jail for theft and he was so drunk when he was arrested that he can't remember why he was arrested, where he was when he was arrested, or how he got the 6 stitches in his forehead. This same man is upset when his 19 year old son is arrested for illegal possession of alcohol - "where did he get such a crazy idea" said the father.

If we can in some way impress upon our youth that this alcohol related behavior is wrong and could lead to worse alcohol related behavior, perhaps our courts would not be spending such a large percentage of their time with alcohol related offenses. I have handed out information relating to the rate of involvement of alcohol in criminal offenses.

From June of 1986 to June of 1987, there were 329 misdemeanor criminal convictions in Havre City Court. Of these, 65% (213) were alcohol related. Of these 213, 31% (66) were committed by youth under 21 years of age. From January to March of 1988, youth under 21 were responsible for 42% of alcohol related crime in Havre.

At some point in time we hope someone will say enough is enough. If alcohol possession by those under 21 is illegal then we hope the legislature gives the courts the tools with which to work so we can positively effect their behavior.

We encourage your support of HB393.

Wallace A. Jewell

DATE 2-7-89

HB 393

1424 E. Fifth St.
Libby, Montana 59923
February 2, 1989

Dear Mr. Just,

It has been brought to my attention that bills are being drafted to deal with alcohol abuse by our teenagers. This problem greatly concerns me. I served on the School Board for fifteen years and the advisory board of our local Community Intervention.

It is frustrating to find our laws greatly restrict our ability to deal with our teenagers' alcohol problems. I would appreciate any help you can offer in seeing that bills drafted contain "conviction for consumption" and increased penalties for violators.

Sincerely,
Genore Boyen
(Genore Boyen)

6 February 1989

Testimony offered in support of HB497, a bill for an act entitled: "An act requiring suspension of the driver's license of a minor guilty of the possession of intoxicating substances."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The MMA urges your support of HB497. The suspension of a persons driver's license has perhaps the most significant effect of all sentencing options. As the law now stands the department of justice may suspend a persons driver's license for falsifying a date of birth on a driver's license application. Usually this falsification is done so the person applying can use the driver's license as a means of ID for the purchase of alcohol. It is our position that the actual possession of alcohol illegally is much more serious and dangerous than just the falsification of age. Also, the law now allows the court to confiscate the driver's license of a minor driving while in possession of alcohol; this does little good if the person can go out of town and drive. So what if he is caught driving without a license- he merely says he forgot it at home or he lost it or whatever. The suspension would have much more significance since it would be carried on the computer of the department of motor vehicles.

There are perhaps those who would say that the use of alcohol by persons under 21 is not a serious matter, after all, they are just being kids. If this is the case, then why do the figures on page 2 say the opposite.

We urge your support of any legislative attempts to curb the cyclical and repetitive nature of the alcohol problem and of any attempt to stop our young people from falling under the influence.

Wallace A. Jewell

TEENAGE ALCOHOL AND DRUG ABUSE

1. Sixty percent of Americans age 13-18 drink at least occasionally. NIAAA reports that 1.3-million of them have serious drinking problems. Recent studies indicate the NIAAA's figures are understated. In addition, the NIAAA has failed to take into account youngsters under twelve, whose drinking has reached problem levels. Twelve percent "regularly" take alcohol with other drugs. Twenty-six percent admit to driving after drinking.
2. During 1981, arrests of young people 17 and under included 96,231 drug abuse violations, 28,602 driving under the influence arrests and 176,251 liquor-law and drunkenness violations, according to the FBI's Uniform Crime Report. In the United States, arrests of teenagers for drunk driving have tripled since 1960.
3. Some 5,000 adolescents die in drunk-driving accidents each year. While teenagers comprise only eight percent of the driver population, they are involved in about 20 percent of fatal motor vehicle accidents, and high blood alcohol levels are present in 60 percent of the fatally injured teenage drivers.
4. National suicide rates among grade-school-age youngsters have risen sharply. Depression has been cited as the major reason preteens take their own lives. The suicide rate for alcoholics is fifty-eight times that of non-alcoholics.
5. Truancy rates among high school students in most areas of the country have risen. According to NIAAA statistics, youths who are frequently truant from school are considered at high risk for developing alcohol problems, or they have already reached problem proportions in their drinking.
6. According to an NIAAA study, in terms of ethnic background, Native American youths have the highest proportion (16.5 percent) of "heavy drinkers," (defined as those who drink alcohol at least once a week and have five to twelve drinks per occasion). They are followed by Orientals (13.5 percent), Spanish (10.9 percent), Whites (10.7 percent) and Blacks (5.7 percent).

(From The National Judicial College, "Alcohol, Drugs, and the Courts," March, 1987)

HEROIN:

1. Although approximately 1.9 million Americans have at some time in their lives used heroin, there are currently approximately 500,000 regular users many of whom are addicted and dependent.
2. The importation and sale of heroin is a multi-billion dollar business. Studies indicate that heroin addicts commit crimes on an average of one crime (primarily theft) every two days to support their use. One eleven-year study of 243 male heroin users found that this group committed 473,738 crimes during the period of time they were not incarcerated in that 11 year period.

Source: National Institute on Drug Abuse

THE NATIONAL JUDICIAL COLLEGE

EXHIBIT 11
DATE 2-7-89
HB 497

LEGAL SANCTION EFFECTIVENESS

1. A fine is the most frequently used sanction. High fines have some positive effect on convicted drinking-drivers, but the threat of a high fine probably has no general deterrence value.
2. Confinement or jail is an effective sanction for a convicted drinking-driver at least during the period of confinement. There is no information as to its effectiveness after the release of an offender from confinement. The threat of confinement has great general deterrence value.
3. Driver's license action, either suspension or revocation, is probably the most effective measure that can be taken against convicted drinking-drivers. It is very effective during the period of suspension or revocation and has a lasting positive effect even afterwards. Driver's license action, like jail, appears to have high general deterrence value.
4. A restricted license has some positive effect on convicted drinking-drivers, but is less effective than driver's license suspension or revocation. It probably has no general deterrence value.
5. Probation works as well as some other punitive sanctions with drinking-drivers. One year of bi-weekly contacts has a positive effect on problem drinkers; probation alone or with education appears to be beneficial for social drinkers. Probation does not appear to have any general deterrence value.
6. The effect of community service as a sanction for convicted drinking-drivers or as a general deterrence measure is not known yet; however, research is being conducted currently on the effectiveness of community service.
7. There are other imaginative and innovative sanctions that are being used with drinking drivers: victim restitution, impoundment of the offender's vehicle, "scarlet letter" sanctions, special confinement requirements, and traffic schools. Most of these sanctions have not been evaluated, although traffic schools have been found to have little effect on traffic offenders.

Source: Summary of Research in James A. Palmer, The Judicial Response to the Drinking Driver: A Self-Instruction Text (draft, 1985)

THE NATIONAL JUDICIAL COLLEGE

HEALTH SANCTION EFFECTIVENESS

1. With social drinkers, alcohol/highway safety education is more effective than traditional penalties alone. If correctly identified, social drinkers need no "treatment."
2. With social drinkers, a home-study course is as effective as a classroom approach (Phoenix, Sacramento).
3. With problem drinkers, some beneficial effects come from short-term education of the right kind, but the wrong kind may have bad effects (ASAP, Sacramento). Home-study is as effective as in-class education.
4. With problem drinkers, short-term treatment (6 months or less) is generally ineffective. However, long-term treatment (12 months or more) is more effective than traditional sanctions alone (Sacramento, Alaska). Treatment involving only brief bi-weekly contacts is as effective as group counseling for some problem drinkers (Sacramento).
5. With problem drinkers, short-term treatment is NOT as effective as license suspension or revocation (but probably more effective than restriction). However, long term treatment works as well as license action.
6. Incorrect identification of problem drinkers as social drinkers, followed by an inappropriate referral to education, has harmful effects (ASAP).

Source: Local and national studies summarized from Palmer, op.cit.

Recommendations of the Presidential Commission on Drunk Driving

7. Education and rehabilitation should be used to supplement but NOT REPLACE traditional sanctions. They should therefore come as a condition of sentencing not as a form of pre-conviction diversion.
8. Education should be offered only for social drinkers, only for first offenders, only for those who have not had it before. Problem drinkers should go to rehabilitation not education.
9. Rehabilitation programs should be tailored to individual needs. The length of time in treatment should be determined by treatment personnel and enforced by court probation.

Source: Report of the Presidential Commission on Drunk Driving

THE NATIONAL JUDICIAL COLLEGE

HEALTH SANCTION EFFECTIVENESS

EXHIBIT 12
DATE 2-7-89
HB 497

1. With social drinkers, alcohol/highway safety education is more effective than traditional penalties alone. If correctly identified, social drinkers need no "treatment."
2. With social drinkers, a home-study course is as effective as a classroom approach (Phoenix, Sacramento).
3. With problem drinkers, some beneficial effects come from short-term education of the right kind, but the wrong kind may have bad effects (ASAP, Sacramento). Home-study is as effective as in-class education.
4. With problem drinkers, short-term treatment (6 months or less) is generally ineffective. However, long-term treatment (12 months or more) is more effective than traditional sanctions alone (Sacramento, Alaska). Treatment involving only brief bi-weekly contacts is as effective as group counseling for some problem drinkers (Sacramento).
5. With problem drinkers, short-term treatment is NOT as effective as license suspension or revocation (but probably more effective than restriction). However, long term treatment works as well as license action.
6. Incorrect identification of problem drinkers as social drinkers, followed by an inappropriate referral to education, has harmful effects (ASAP).

Source: Local and national studies summarized from Palmer, op.cit.

Recommendations of the Presidential Commission on Drunk Driving

7. Education and rehabilitation should be used to supplement but NOT REPLACE traditional sanctions. They should therefore come as a condition of sentencing not as a form of pre-conviction diversion.
8. Education should be offered only for social drinkers, only for first offenders, only for those who have not had it before. Problem drinkers should go to rehabilitation not education.
9. Rehabilitation programs should be tailored to individual needs. The length of time in treatment should be determined by treatment personnel and enforced by court probation.

Source: Report of the Presidential Commission on Drunk Driving

THE NATIONAL JUDICIAL COLLEGE

LEGAL SANCTION EFFECTIVENESS

1. A fine is the most frequently used sanction. High fines have some positive effect on convicted drinking-drivers, but the threat of a high fine probably has no general deterrence value.
2. Confinement or jail is an effective sanction for a convicted drinking-driver at least during the period of confinement. There is no information as to its effectiveness after the release of an offender from confinement. The threat of confinement has great general deterrence value.
3. Driver's license action, either suspension or revocation, is probably the most effective measure that can be taken against convicted drinking-drivers. It is very effective during the period of suspension or revocation and has a lasting positive effect even afterwards. Driver's license action, like jail, appears to have high general deterrence value.
4. A restricted license has some positive effect on convicted drinking-drivers, but is less effective than driver's license suspension or revocation. It probably has no general deterrence value.
5. Probation works as well as some other punitive sanctions with drinking-drivers. One year of bi-weekly contacts has a positive effect on problem drinkers; probation alone or with education appears to be beneficial for social drinkers. Probation does not appear to have any general deterrence value.
6. The effect of community service as a sanction for convicted drinking-drivers or as a general deterrence measure is not known yet; however, research is being conducted currently on the effectiveness of community service.
7. There are other imaginative and innovative sanctions that are being used with drinking drivers: victim restitution, impoundment of the offender's vehicle, "scarlet letter" sanctions, special confinement requirements, and traffic schools. Most of these sanctions have not been evaluated, although traffic schools have been found to have little effect on traffic offenders.

Source: Summary of Research in James A. Palmer, The Judicial Response to the Drinking Driver: A Self-Instruction Text (draft, 1985)

TEENAGE ALCOHOL AND DRUG ABUSE

1. Sixty percent of Americans age 13-18 drink at least occasionally. NIAAA reports that 1.3-million of them have serious drinking problems. Recent studies indicate the NIAAA's figures are understated. In addition, the NIAAA has failed to take into account youngsters under twelve, whose drinking has reached problem levels. Twelve percent "regularly" take alcohol with other drugs. Twenty-six percent admit to driving after drinking.
2. During 1981, arrests of young people 17 and under included 96,231 drug abuse violations, 28,602 driving under the influence arrests and 176,251 liquor-law and drunkenness violations, according to the FBI's Uniform Crime Report. In the United States, arrests of teenagers for drunk driving have tripled since 1960.
3. Some 5,000 adolescents die in drunk-driving accidents each year. While teenagers comprise only eight percent of the driver population, they are involved in about 20 percent of fatal motor vehicle accidents, and high blood alcohol levels are present in 60 percent of the fatally injured teenage drivers.
4. National suicide rates among grade-school-age youngsters have risen sharply. Depression has been cited as the major reason preteens take their own lives. The suicide rate for alcoholics is fifty-eight times that of non-alcoholics.
5. Truancy rates among high school students in most areas of the country have risen. According to NIAAA statistics, youths who are frequently truant from school are considered at high risk for developing alcohol problems, or they have already reached problem proportions in their drinking.
6. According to an NIAAA study, in terms of ethnic background, Native American youths have the highest proportion (16.5 percent) of "heavy drinkers," (defined as those who drink alcohol at least once a week and have five to twelve drinks per occasion). They are followed by Orientals (13.5 percent), Spanish (10.9 percent), Whites (10.7 percent) and Blacks (5.7 percent).

(From The National Judicial College, "Alcohol, Drugs, and the Courts," March, 1987)

HEROIN:

1. Although approximately 1.9 million Americans have at some time in their lives used heroin, there are currently approximately 500,000 regular users many of whom are addicted and dependent.
2. The importation and sale of heroin is a multi-billion dollar business. Studies indicate that heroin addicts commit crimes on an average of one crime (primarily theft) every two days to support their use. One eleven-year study of 243 male heroin users found that this group committed 473,738 crimes during the period of time they were not incarcerated in that 11 year period.

Source: National Institute on Drug Abuse

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 425

DATE FEB. 7, 1989

SPONSOR REP. VINCENT

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Shelly Laine	Representing City of Helena	✓	
Dale Z. McMeekin	Representing Lewis & Clark STOP DUI Task Force	✓	
Lois K. McMeekin	Representing Lewis & Clark STOP	✓	
Judy Griffith	Rep Helena Project Care Ltc DUI Task Force	✓	
Bob Durkee	MTA		✓
Barbara May	Lewis & Clark Co. DUI Task Force	✓	
MIKE DASILVA	STOP DUI TASK FORCE	✓	
Bill Elliott	Helena	✓	
Alice Armstrong	2919 Country Club Ave Helena	✓	
WALTER JACKOVICIT	3400 Hill Ave Suite Boyd Andrew CDC		✓
Mike Ruppert	209 N. Rodney Helena	✓	
Joe Kuipers	Chem Dependency Programs of Montana - Helena	✓	
Leonard Britton	Bellevue Co DUI Task Force	✓	
Wally Jewell	MT MAG ASSOC	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 404DATE FEB. 7, 1989SPONSOR REP. KELLER

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Shelly LAINE	Representing City of Helena	✓	
LOIS K. McMEEKIN	Representing Lewis & Clark STOP DUI TASK FORCE	✓	
DALE F. McMEEKIN	Representing Lewis & Clark STOP DUI TASK FORCE	✓	
Judy H. Griffith	Helena Project cone Sac DUI Task Force	✓	
John Connor	Dept of Justice Monte County Atty. Assn	✓	
DARRELL BECKSTROM	Dept. Motor Vehicles	✓	
Bob Durken	MTA		✓
Barbara May	Lt Clark Co. DUI T. Force	✓	
MIKE DASILVA	STOP DUI TASK FORCE	✓	
BILL ELLIOTT	Helena	✓	
Alice ARMSTRONG	2919 Country Club	✓	
WALTER JACKOWICH	3400 Hill Ave Butte		✓
Wally Jewell	MT MAG ASSOC	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 445DATE FEB. 7, 1989SPONSOR REP. BARDANOUE

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Jean W Long</i>	<i>S. A. M.</i>	<i>✓</i>	
<i>R. H. Scott</i>	<i>Helena</i>		<i>✓</i>
<i>J. Henry BART</i>	<i>MACSS</i>	<i>✓</i>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

JUDICIARY

BILL NO. HOUSE BILL 393

DATE FEB. 7, 1989

SPONSOR REP. DARKO

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 497DATE FEB. 7, 1989SPONSOR REP. DARKO

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Shelly Laine	Representing City of Helena	✓	
Lois K. McMeekin	Representing LAC Co STOP DUI Task Force	✓	
Judy H. Griffith	Helena Project Core Helena DUI Task Force	✓	
DALE F. McMeekin	Representing Lewis & Clark STOP Task Force	✓	
DARREN BECKSTROM	Dept - Motor Vehicles	✓	
Barbara May	Helena/Lewis & Clark DUI Task Force	✓	
MIKE DASILVA	STOP DUI TASK FORCE	✓	
Alice Armstrong	2919 Country Club Ave	✓	
Wally Jewell	MT MAG ASSOC	✓	
Mike Ruppert	B.A.C.D.C. 219 N. Parkway - Helena	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.